REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 34 – 63 and 66 – 67 are currently pending in this application. Claims 34, 37 – 38 and 42 – 45 have been amended. Claims 1 – 33 and 64 – 65 were previously cancelled. A second substitute specification, along with a marked-up version showing the changes, is provided herewith. In the amended claims and second substitute specification, the term "ridges" has been amended to recite "bars" which corrects the original translation of the German word "Stege". This error was originally made in the PCT generated English language abstract and carried over consistently when the application was translated for the U.S. National Phase. Applicant submits that no new matter has been introduced into the application by these amendments.

Double Patenting Rejection

Claims 34 – 63, 66 and 67 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 10 and 12 – 32 of copending U.S. Patent Application No. 10/523,574. A Terminal Disclaimer is submitted herewith to overcome the obviousness-type double patenting rejection. The withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 34 – 42, 44 – 60 and 66 and 67 were rejected under 35 U.S.C. §102(b) as anticipated by German Patent Document DE 200 06 163 U1 to Wildfang.

Applicant respectfully traverses the rejection.

Claim 34 currently recites, inter alia, at least one mounted element mountable in the mounting housing that has bars oriented transverse to a direction of flow, between which passageways are defined. Claim 34 also recites that the bars of the at least one mounted element are arranged in the form of a grid or mesh, which cross at junction points located in a **single plane.**

Wildfang, which is assigned to the same assignee of the present application, does not show a mounted element mountable in the mounting housing having bars arranged in the form of a grid or mesh that cross at junction points located in a single plane. The sieves 10 of Wildfang are **woven** (i.e. having a warp and weft) metal wires and do not cross at junction points located in a single plane as claimed. It is believed that the amendment of the term "ridges" to recite "bars" more clearly sets forth that the junction points are in a single plane. Despite to the examiner's broad interpretation of the term ridges, the flow homogenizing sieves 10 in DE are woven wires and cannot be arranged in a single plane due to the knuckles formed at each crossing point during weaving. Since the bars intersect and are not woven, a longer extension of the individual bars is possible thereby providing flow guide walls, which is not possible when using woven metal sieves and cannot be

interpreted as being identical to the warp and weft of the woven sieves of Wildfang. Further, the up/down arrangement of the knuckles would create more turbulence and noise, which is the opposite of the smooth, non-splashing, quiet flow generated by the guide walls.

Claim 35 recites that the jet regulating device on an inflow side is downstream from **a jet separating device**, that separate the inflowing fluid flow into a **multitude of individual jets**.

Wildfang, contrary to the examiner's assertion, does not show a jet fractionating device (2) as claimed. Applicant is very familiar with the device shown in Wildfang as the assignee, Neoperl GmbH, is the same company as Dieter Wildfang GmbH, which Mr. Wildfang founded. Applicant hereby states that Wildfang lacks any jet fractionating device. Wildfang shows a flow rectifying device (2), which one of ordinary skill in the art would not consider to be equated with the jet fractionating device (2) as claimed. The jet fractionating device as claimed separates the inflowing fluid flow into a multitude of individual jets. The flow rectifier of Wildfang is incapable of performing such a task.

Submitted herewith, as supporting evidence, are photos (Exhibit A) of the flow rectifier of Wildfang, (see photo W1), and the jet separating device as claimed (see photo G1). In use, as clearly shown in photo W2, with a flow rate of 2.2 gallons per minute (gpm) and at a pressure of 0.1 bar, the flow rectifier of Wildfang does not separate the inflowing fluid flow into a multitude of individual jets. What emerges

is a single stream as contrasted with the jet fractionating device as claimed, also with a flow rate of 2.2 gpm, at a pressure of 5.5 bar, which provides multiple individual jets (see photo G2). Compare photo W2 with photo G2. The individual jets of the jet fractionating device as claimed, shown in photo G2, have an increased speed thereby causing better mixing with air prior to contacting the mounted elements and then being recombined in a single aerated stream.

If the flow rate or pressure on the jet fractionating device as claimed were reduced, individual jets would still emerge. If the flow rate or pressure on the Wildfang flow rectifier is increased, there still would be no individual jets emerging therefrom, rather a single splashing stream.

Thus, the flow rectifier of Wildfang cannot be equated with the jet fractionating device as claimed.

Based on the arguments presented above and the supporting evidence submitted herewith, withdrawal of the Section § 102(b) rejection of claims 34 – 42, 44 – 60 and 66 and 67 is respectfully requested.

Claim Rejections – 35 U.S.C.§ 103

Claims 61-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over German Patent Document DE 200 06 163 U1 in view of U.S. Patent No. 6,588,682 to Flieger.

Applicant respectfully traverses the rejection.

Claims 61 – 63 are dependent upon claim 34, which the Applicant believes is allowable over the cited prior art of record for the reasons provided above. It is also noted that Flieger fails to show a **housing part** having at least one soft or water-repellent water surface as is claimed in claim 61.

Based on the arguments presented above, withdrawal of the § 103 rejection of claims 61 - 63 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a further interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 34 – 63 and 66 – 67, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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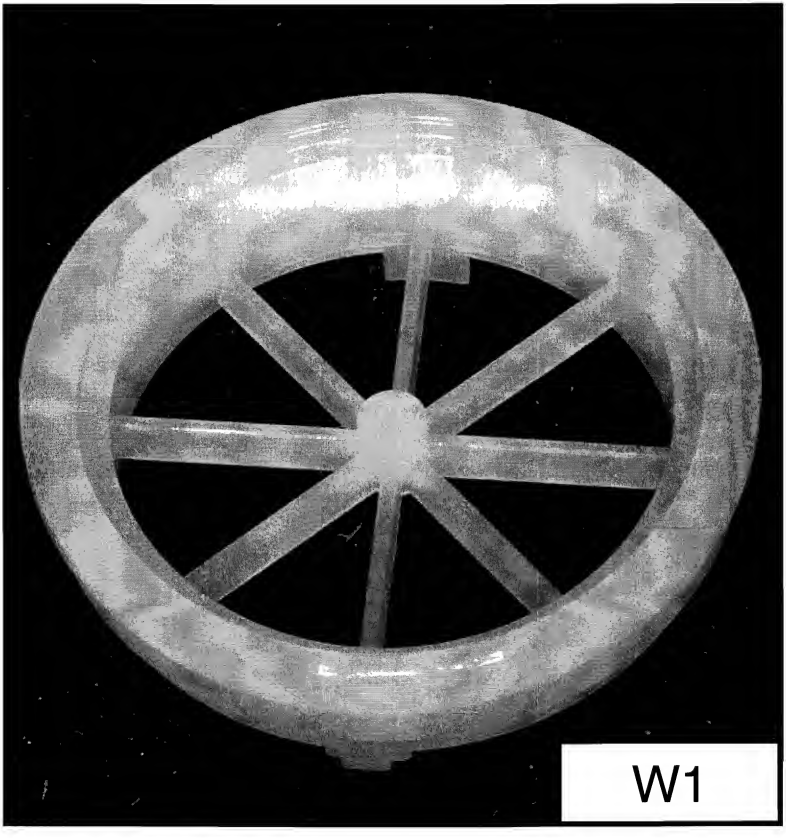
RJB/srp
Enclosures (Exhibit A, Terminal Disclaimer)

EXHIBIT A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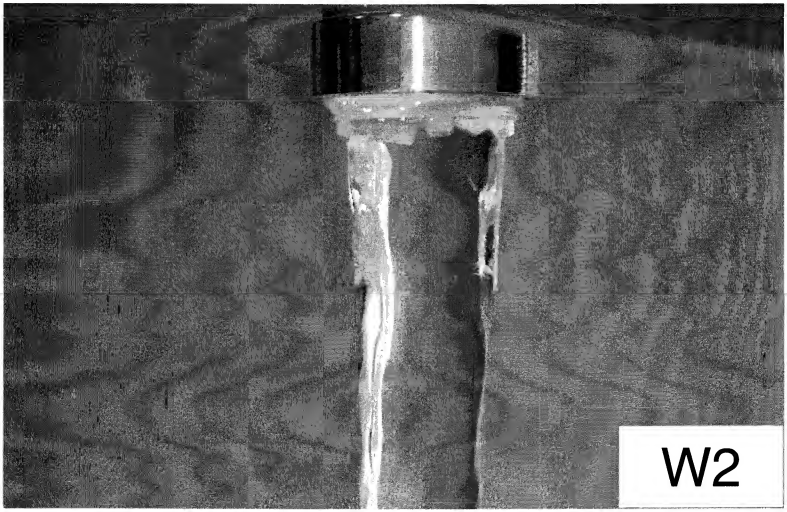
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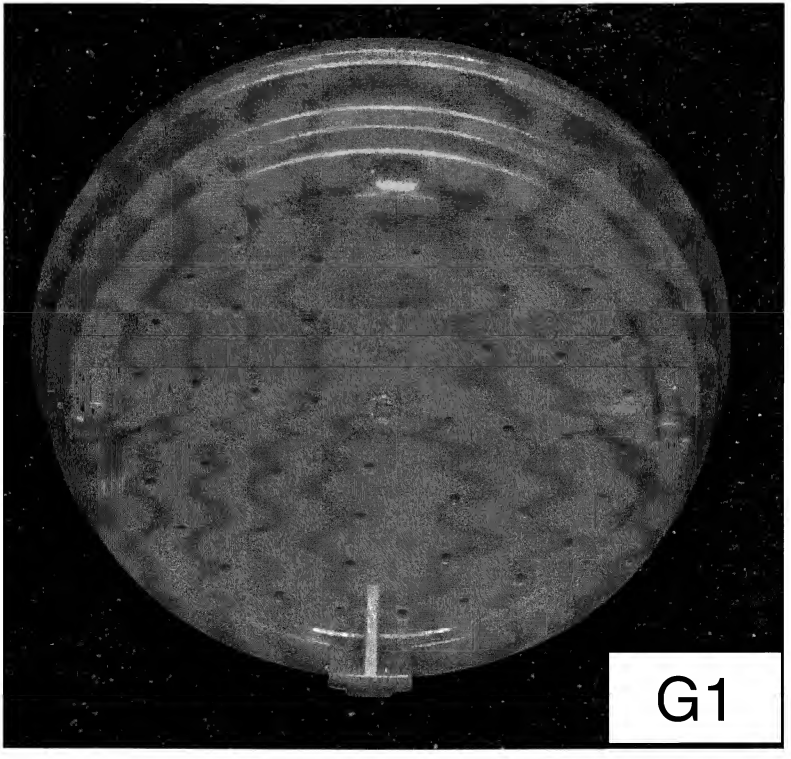
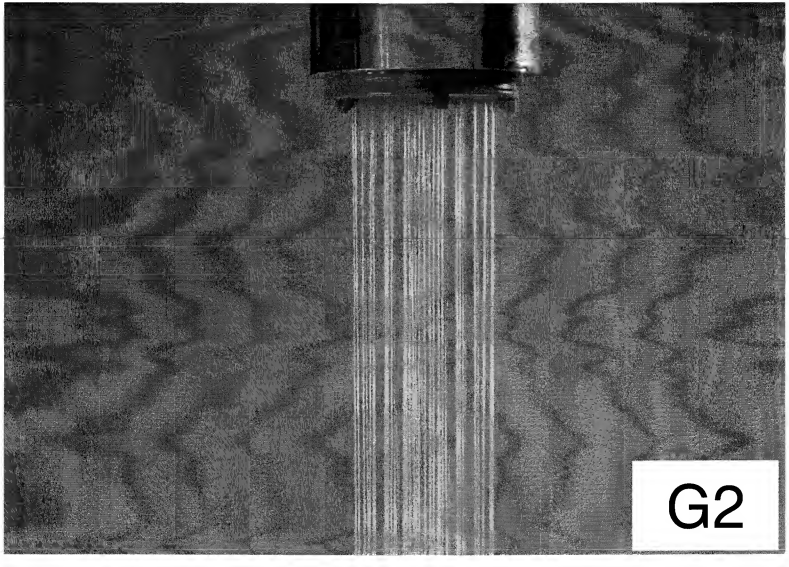

G1


G2